

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4911 OF 2007

Nagraj Pukharajji Sheth Petitioner

versus

Mahesh R. Baldi & ors. Respondent.

Mr. N.V.Walawalkar i/b Sudhir Prabhu for the
petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 16TH JULY, 2007

P.C.;

1. The respondent no.1 has been elected as a Councillor in the municipal election. Aggreived by the said election, the present petitioner has filed an election petition which is pending for adjudication before the District Court. In the pending election petiiton, the petitioner filed an application seeking, to restrain respondent no.1 from functioning as the elected Councillor. The trial court has rejected the said application rightly. Aggreived thereby the present writ petition has been filed. Unless and until the election of the elected Councillor is set aside, he cannot be restrained by granting temporary injunction from funtioning as a elected Councillor. There is no merit in the writ petition. The same deserves to be dismissed summarily. I accordingly

dismiss the writ petition.

2. At this stage the learned counsel for the petitioner submits that the hearing of the election petition be expedited. Otherwise the election petition would be rendered infructuous on account of completion of term. I hope and trust that the trial court shall proceed to decide the election petition as expeditiously as possible.

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